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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,547	02/27/2002	David F. Bantz	YOR920010667US1	9848

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EXAMINER	
ZHEN, LI B	

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/085,547	BANTZ ET AL.	
	Examiner	Art Unit	
	Li B. Zhen	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-47,49 and 50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-47,49 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1,2,4-47,49 and 50 are pending in the application.

Response to Arguments

2. Applicant's arguments filed 03/23/2006 have been fully considered but they are not persuasive. In response to the Non-Final Office Action dated 01/26/2006, applicant argues:

(1) Peterson does not show "receiving software requirements for a given computer system from a plurality of users" or "determining a plurality of software components that currently exist and that will fulfill the software requirements" [p. 9, line 12 – p. 10, line 2]; and

(2) Peterson and Fong solves unrelated problems and one of ordinary skill in the art would not be motivated to combine these two references when they are read as a whole [p. 10, lines 3 – 32].

In response to argument (1), examiner respectfully disagrees and submits that the combination of Peterson and Fong teaches applicants' invention as claimed. Applicant argued that Peterson discloses receiving requirements for a new telecommunications service and is determining software requirements that may well need to be written. Examiner disagrees and notes that Peterson teaches the software requirements creates the function specification which identifies components from the functional layer that can be reused [col. 15, lines 29 – 41]. The components from the functional layer correspond to the claimed software components because the functional layer contains the functions and objects of the chosen implementation technology [col. 16, lines 8 – 23]. Since components from the functional layers are reused, the components already exist. Therefore, Peterson determines a plurality of software components that currently exists and that will fulfill the software requirements.

As to argument (2), examiner respectfully disagrees submits that Peterson and Fong focuses on different stages of a software distribution system. For example Peterson focuses on obtaining software requirements, identifying software components that fulfills the requirements, addressing constraints and affinities between said plurality

of software components and a respective plurality of configuration options that reflect current best practices with regard to the plurality of software components. Peterson discloses deployment of the software [col. 9, lines 32 – 39] but does not specify the methods used to deploy the software. Although Fong focuses on the method of deploying configurable software [p. 8, paragraph 0055], Fong also generally teaches obtaining software requirements [user enters image capture information (e.g., name, description, and destination for the image) about data processing system; p. 8, paragraph 0055] and identifying software components that fulfills the requirements [p. 1-2, paragraph 0013]. Therefore, the inventions of both Peterson and Fong are in the same field of endeavor and it would have been obvious to a person of ordinary skill in the art to combine the references [as to the motivation for combining, see the rejection to claim 1 below].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1,2,4-47,49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,327,551 to Peterson et al. [hereinafter Peterson] in view of U.S. Patent Application Publication No. 2003/0055919 to Fong et al. [hereinafter Fong], both references cited in the previous office action.**

5. As to claim 1, Peterson teaches the invention substantially as claimed including a method for loading software onto a computer [col. 1, lines 5 – 8], the method comprising the steps:

receiving software requirements [software requirements are documented in the form of a usage requirement specification; col. 1, line 63 – col. 2, line 12] for a given

computer system [designing a product, system or service by deriving a requirement specification for said product, system or service from a user model; col. 3, lines 35 – 45] from a plurality of users [specification is an expression of the market opportunity in terms of the expected users goals, constraints imposed by users; col. 1, line 63 – col. 2, line 12];

determining (a) a plurality of software components [components are functions and objects; col. 15, lines 29 – 41] that currently exist and [reusing components from the function layer (these components are functions and objects); col. 15, lines 29 – 42] that will fulfill the software requirements while addressing constraints and affinities between said plurality of software components [functional specification is produced from the requirements specification by means of a mapping from the requirements specification using or reusing components from the functional layer (these components are functions and objects); col. 15, lines 29 – 41] and (b) a respective plurality of configuration options that reflect current best practices with regard to said plurality of software components [determination of software requirements followed by validation; col. 6, lines 1 – 17 and col. 6, line 58 – col. 7, line 16]. Peterson teaches a service packages [col. 13, lines 50 – 51] but does not teach generating a disk image containing said plurality software components configured according to said respective plurality of configuration options.

However, Fong teaches deployment of data processing systems with a specific set of software under the centralized control of a graphical user interface [p. 1-2, paragraph 0013] and generating a disk image [an automatic image capture of all hardware configurations and images from the selected reference data processing system; p. 8, paragraph 0055] containing said plurality software components configured according to said respective plurality of configuration options [user enters image capture information (e.g., name, description, and destination for the image) about data processing system; p. 8, paragraph 0055].

6. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the teaching of generating a disk image containing said plurality software components configured according to said respective plurality of configuration options as taught by Fong to the invention of Peterson because this allow

an administrator to take a snapshot of an operating system configuration for a computer, including: base disk image, application packages, configuration settings, and specific hardware configurations [p. 1, paragraph 0008 of Fong]. This is driven from a central database containing unique parameters for each computer, including the rules that decide which images and software are applied to each computer [p. 1, paragraph 0008 of Fong].

7. As to claim 2, Peterson as modified teaches wherein said determining step applies rules to the software requirements to identify software components that comply with the software requirements [Rule-Based Deployment rules can be maintained in the database for Deployment automatic deployment of hardware configurations or images; p. 6, Table 6 of Fong].

8. As to claim 4, Peterson as modified teaches wherein the rules include rules mapping a software requirement into a corresponding software component [col. 7, lines 25 – 34 of Peterson].

9. As to claim 5, Peterson as modified teaches wherein the rules include rules specifying when particular versions of a particular software component are to be utilized [col. 1, lines 37 – 43 of Peterson].

10. As to claim 6, Peterson as modified teaches wherein the rules include rules specifying installation options regarding a particular software component [p. 4, paragraph 0038 of Fong].

11. As to claim 7, Peterson as modified teaches wherein the rules include rules specifying how to test a particular software component [validation or testing process; col. 5, line 60 – col. 6, line 17 of Peterson].

12. As to claim 8, Peterson as modified teaches testing the disk image [p. 2, paragraph 0032 of Fong].

13. As to claim 9, Peterson as modified teaches wherein testing the disk image includes verifying that said plurality of software components complies with the software requirements" [col. 7, lines 8 – 17 of Peterson].

14. As to claim 10, Peterson as modified teaches wherein testing the disk image includes verifying that said plurality of software components complies with at least one rule [p. 8, lines 0054 of Fong].

15. As to claim 11, Peterson as modified teaches generating a difference image that represents differences between the disk image and another existing disk image, whereby the another existing disk image may be updated to match the disk image by applying the difference image to the another existing disk image [p. 3, paragraph 0036 of Fong].

16. As to claim 12, Peterson as modified teaches the software requirements are received through a network that includes the Internet [p. 2, paragraph 0031 of Fong].

17. As to claim 13, Peterson as modified teaches wherein the software requirements can be received in terms of customer needs rather than specific software components [col. 1, line 63 – col. 2, line 12 of Peterson].

18. As to claim 14, Peterson as modified teaches the requirements are represented in a structured format [step entails the decomposition of user goals generated by the requirement specification 1 to a structure or hierarchy; col. 9, lines 48 – 56 of Peterson].

19. As to claim 15, Peterson as modified teaches the structured format is Extensible Markup Language (XML) [Possible file formats include CSV, tab-delimited, Excel Spreadsheet, HTML, and XML; p. 7, Table 7 of Fong].

20. As to claim 49, Peterson as modified teaches storing said disk image on a computer-readable and distributing said computer-readable [p. 2, paragraph 0016 of Fong] media to a client [p. 5, paragraph 0040 of Fong].

21. As to claim 16, Peterson as modified teaches a method for creating a customized disk image for loading software onto a computer, the method comprising the computer-implemented steps:

parsing a plurality of inputs regarding a desired computer system to extract specifications regarding software [col. 6, lines 22 – 50 of Peterson];

evaluating a plurality of rules with respect to the plurality of inputs to derive a set of software components conforming to the specifications [Rule-Based Deployment rules can be maintained in the database for Deployment automatic deployment of hardware configurations or images; p. 6, Table 6 of Fong], said set of software components being chosen from existing software components [reusing components from the function layer (these components are functions and objects); col. 15, lines 29 – 42];

evaluating a second plurality of rules with respect to the plurality of inputs to derive a set of configuration options conforming to at least the specifications" [p. 6, paragraph 0046 of Fong];

storing each software component from the set of software components on a storage device [col. 27, lines 39 – 54 of Peterson];

configuring each software component stored on the storage device in accordance to the set of configuration options" [col. 6, lines 1 – 17 and col. 6, line 58 – col. 7, line 16 of Peterson]; and

generating a disk image from contents of the storage device [an automatic image capture of all hardware configurations and images from the selected reference data processing system; p. 8, paragraph 0055 of Fong].

22. As to claim 17, Peterson as modified teaches the inputs are requests from hypertext browsers [Web browser on a workstation 118; p. 3, paragraph 0033 of Fong].

23. As to claim 18, Peterson as modified teaches the inputs are XML documents [Possible file formats include CSV, tab-delimited, Excel Spreadsheet, HTML, and XML; p. 7, Table 7 of Fong].

24. As to claim 19, is the computer-readable medium claim corresponding to the method claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

25. As to claim 20, the rejection of claim 19 are incorporated and are rejected under the same reason set forth in connection of the rejection of claim 2 above.

26. As to claim 21, Peterson as modified teaches wherein the rules are stored in a database [Rule-Based Grouping rules can be maintained in the deployment Grouping database; p. 6, Table 6 of Fong].

27. As to claims 22-32, the rejection of claim 21 are incorporated and are rejected under the same reason set forth in connection of the rejection of claims 4-14 respectfully.

28. As to claim 33, this is rejected under the same reasons set forth in the rejection of claim 15.

29. As to claim 34, is the data processing system claim corresponding to the method claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

30. As to claim 35, the rejection of claim 34 are incorporated and are rejected under the same reason set forth in connection of the rejection of claim 2 above.

31. As to claim 36, Peterson as modified teaches wherein the rules are stored in a database [Rule-Based Grouping rules can be maintained in the deployment Grouping database; p. 6, Table 6 of Fong].

32. As to claims 37-47, the rejection of claim 36 are incorporated and are rejected under the same reason set forth in connection of the rejection of claims 4-14 respectfully.

33. As to claim 50, this is data processing system claim that corresponds to method claim 49. Therefore, it is rejected for the same reason as to claim 49 above.

Conclusion

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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